

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2395 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

SATTAR DAUDBHAI SHAIKH

Versus

STATE OF GUJARAT

Appearance:

MR HM CHINYOY for Petitioner
NOTICE SERVED for Respondent No. 1, 3
MR SP HASURKAR for Respondent No. 2

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 04/04/2000

ORAL JUDGEMENT

No one appears for the petitioner. I have heard
Mrs. B.R. Gajjar, learned Asst.Govt. Pleader
instructed by Mr. S.P. Hasurkar, learned Govt.

Solicitor on behalf of the respondents.

Present petition has been filed by the petitioner seeking a direction for his promotion to the post of Head Constable. I have gone through the petition, and also heard learned AGP. It appears from the petition of the petitioner that, even though he is a graduate he has not been promoted under 33 1/3 % quota reserved for SSC passed Constables for promotion to the post of Head Constable. Learned AGP submitted that, earlier 33 1/3 % of the post of Head Constables were reserved for SSC passed candidates, but the said quota has been abolished. It is further submitted by learned AGP that, when the quota was maintained, at that time the petitioner did not reach the seniority for considering him to the post of Head Constable under 33 1/3 % quota. It is also submitted that at present the seniority position of the petitioner is at Sr.No. 46, that is as on 3-2-1999. It is also submitted by learned AGP that there are many seniors in the grade of Constable than the petitioner and his case cannot be considered unless he comes within the zone of consideration.

Having regard to the seniority position, I am of the view that the petition has got no merit, as many constables senior to the petitioner are still waiting for their promotion. I am of the view that there is no merit in the petition. Accordingly this petition is dismissed. Rule discharged. I make no order as to cost.

DT: 4-4-2000

(P.K. Sarkar, J)

/vgn